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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/843,386	04/23/2001	James Ernest Barker		1000

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EXAMINER

STERRETT, JONATHAN G

ART UNIT PAPER NUMBER

3623

DATE MAILED: 03/03/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/843,386

Applicant(s)

BARKER, JAMES ERNEST

Examiner

Jonathan G. Sterrett

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 April 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Summary

1. Claims 1-8 are pending in the application. The instant application deals with providing an automated system for creating telephone surveys on an internet website which also then compiles the survey data. Telephone surveys are old and well known in the art, as demonstrated by Peterson and Weisser. The concept of automating surveys that are conveyed and administered over the internet is also old and well known in the art, as evidenced by Plantec and as well by Bayer. The features of the claimed invention in the instant application are anticipated by Peterson and Plantec, as disclosed in the following office action.

Specification

2. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1, 2, 4, 5 and 7 are rejected under 35 U.S.C. 102(e) as being anticipated by Peterson US 6,577,713.

Regarding Claim 1, Peterson discloses:

An automated survey system that allows a client to enter questions and responses through the internet in a text format (column 6 line 43-46, client accesses website to enter survey information through computer keyboard) and have the computer system convert the text to speech synthesis (column 8 line 1-3, computerized translation of typed text into speech) for the respondents to listen and reply to using their telephone to connect to the system (column 6 line 56-58, customers listen to automated survey and enter their responses by pressing key pad on telephone).

Regarding Claim 2, Peterson discloses wherein the system prints out the survey questions and answers for the client (column 8 line 3-5, survey questions can be printed out; column 9 line 51-55, system prints out responses).

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Regarding Claim 4, Peterson discloses wherein the results obtained from the respondents is collected directly into a database (column 9 line 30-32, responses from survey are captured in database).

Regarding Claim 5, Peterson discloses wherein the results can be displayed to the client immediately on the internet (column 9 line 13-20, data can be displayed immediately on website in various graphic formats).

Regarding Claim 7, Peterson discloses wherein the text to speech synthesis is replaced with a human voice reading the text (column 8 line 14-17, client can read the questions to be answered when customers dial in. This is recorded into scripts to be played back when survey is performed) .

Claim Rejections - 35 USC § 103

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 103 that form the basis for the rejections under this section made in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Peterson US 6,577,713.

Regarding Claim 3, Peterson does not teach wherein the client enables the survey immediately by paying utilizing a credit card payment gateway.

The examiner takes official notice that it is old and well known in the art for various services provided on the internet to be enabled immediately by utilizing a credit card payment gateway. The internet has significantly furthered online commerce (ecommerce) because of the convenience of providing automated access and payment for various goods and services. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the teachings of Peterson, as discussed above, with enabling a survey immediately by paying utilizing a credit card payment gateway, because it would automate the paying of funds necessary to administer a survey and encourage others to engage a survey administration service because of the convenience and ease of use.

7. Claims 6 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Peterson US 6,577,713 in view of Plantec US 6,826,540.

Regarding Claim 6, Peterson does not teach wherein the computer system uses voice recognition capabilities to collect the respondents answers

Plantec teaches wherein the computer system uses voice recognition capabilities to collect the respondents answers (column 17 line 58-60, system can accept input through voice recognition module).

Plantec teaches that current survey methods are lengthy in the time taken to compile results and error-prone in transcribing survey data from forms into a computer (column 2 line 10-21).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the invention of Peterson, as discussed above, with

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wherein the computer system users voice recognition capabilities to collect the respondents answers, as taught by Plantec, because it would result in more accurate tabulation of survey results and faster processing of the final results.

Regarding Claim 8, Peterson does not teach wherein the respondent can respond to the survey on the internet.

Plantec teaches wherein the respondent can respond to the survey on the internet (column 18 line 28-29, user can access survey website using a browser).

Plantec teaches that current survey methods are lengthy in the time taken to compile results and error-prone in transcribing survey data from forms into a computer (column 2 line 10-21).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the invention of Peterson, as discussed above, with wherein the respondent can respond to the survey on the internet, as taught by Plantec, because it would result in more accurate tabulation of survey results and faster processing of the final results.

Conclusion

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Libonati US Patent 5,056,086 discloses a apparatus for providing a telephonic mass announcement service.

Bayer US Patent 6,311,190 discloses a system for conducting surveys over a network.

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Jakobsson U.S. Patent 6,317,833 discloses an invention for encrypted voting on an electronic bulletin board.

Weisser U.S. Patent 5,838,774 discloses a telephone polling method.

Sehr U.S. Patent 5,875,432 discloses a computerized voting information system.

Pykalisto US Patent 5,970,385 discloses televoting in an intelligent network.

Van Wijk US Patent 5,473,673 discloses a system for transmitting selection code signals to TV or radio stations.

Thyfault, Mary E., "Networks Next Step: Next Generation Networks Do More Work for Less Money", Feb 18, 1999, CMP Media, pp.1-6.

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jonathan G. Sterrett whose telephone number is 703-305-0550. The examiner can normally be reached on 8-6.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tariq Hafiz can be reached on 703-305-9643. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair->

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direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JGS 2-28-05



TARIQ R. HAFIZ
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